

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: February 10, 2016

RE: **CASE #CU-16-003**
REQUEST: A conditional use permit to allow 'commercial storage' in a C-2 Commercial District.

APPLICABLE CODE SECTIONS: §15.02.020 - Zoning Board of Adjustment
The Zoning Board shall have the following powers:
b. To make final decisions on applications for conditional uses.

§15.15.030 – Conditional uses in a C-2/General Commercial District
04. 'Commercial Storage'

LEGAL DESCRIPTION: Being part of Lot 1, Block 1, Twin City Shopping Center Addition, more particularly described as beginning at the northwest corner of Lot 1, Block 1, Twin City Shopping Center Addition thence southeast a distance of 144.9 feet; thence northeast a distance of 172.84 feet; thence north a distance of 160.04 feet; thence southwest a distance of 240.63 feet to the point of beginning.

LOCATION: 2790 Twin City Drive, Council Bluffs, Iowa 51501

APPLICANT/ OWNER: T J M Enterprises, Inc.
5305 Crogans Way Road
Council Bluffs, IA 51501

REPRESENTATIVE: Michael Brenneman, P.E.
P.O. Box 6211
Omaha, NE 68106

BACKGROUND INFORMATION – The Community Development Department has received an application from TJM Enterprises, Inc., represented by Michael Brenneman, PE, for a conditional use permit to allow 'commercial storage' in a C-2 Commercial District on property legally described above. The subject property contains a 6,000 square foot vacant commercial building which the applicant has started to convert into eight heated storage units for household items (see Attachment 'A'). The Council Bluffs Building Official has issued the applicant a stop work order on the building conversion until all required permits for the project are obtained. The applicant has also requested to provide 16 parking spaces for outdoor storage of cars, boats and recreational vehicles on the subject property. Typically, outdoor storage is not allowed in a C-2 Commercial District, as per Chapter 15.15 of the Council Bluffs Municipal Code. However, the Zoning Board of Adjustment can allow a portion of the property to be used for outdoor storage as an accessory use to the 'commercial storage' business through the conditional use permit process.

The hours of operation are proposed from 6:00 a.m. to 8:30 p.m. seven days a week. The applicant anticipates that customers will visit the site once or twice a month. One on-site employee will be staffed to oversee the operation of the facility. Site security will also be handled through a combination of a six-

foot-tall fence around the perimeter of the property and an electronically operated gate along the east property line. Additional information for the proposed 'commercial storage' use is stated in the plan of action provided by the applicant (see Attachment 'B').

Attachment A: Proposed commercial storage building plans

Attachment B: Plan of Action

Attachment C: Location/zoning map

CURRENT ZONING AND LAND USE – The subject property is zoned C-2 Commercial District and contains an existing 6,000 square commercial building (see Attachment 'C'). Properties located to the south and east are also zoned C-2 Commercial District. Properties to the north are zoned R-1/Single-Family Residential District.

Surrounding land uses in the vicinity of the request include residential dwellings to the north, a gas station/convenience store and an adult entertainment business to the east along with commercial storage business to the south and west. The commercial storage business at 2700 Twin City Drive was granted a conditional use permit (see Case #CU-94-003) by the Zoning Board of Adjustment in 1994. In 1996, the ZBA amended this permit to allow outdoor storage of vehicles and an on-site manager's apartment on the subject property (see Case #CU-96-002).

The future land use plan of the Bluffs Tomorrow: 2030 Plan identifies the property as 'local commercial'. The proposed commercial storage use is consistent with the 'local commercial' future land use plan designation.

The following images show the existing conditions of the subject property and surrounding area.

Exhibit A: 2013 aerial image of the subject property and surrounding properties.



Exhibit B: View of the 6,000 square foot commercial storage building.



Exhibit C: View of the north property area abutting the Twin City neighborhood.



CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Cox Communications: No conflict.

Public Works Department: No comments.

Community Development Department:

1. The submitted conceptual site plan (see Attachment A) shows the layout of the commercial storage units, parking arrangement and site security. The Community Development has the following comments:
 - a. Parking spaces for the commercial storage use are required at a rate of one space per 5,000 gross square feet of building. The building measures 6,000 square feet and requires a minimum of two off-street parking spaces. The submitted site plan shows two parking spaces will be striped on the existing concrete cement parking lot. One of the spaces is proposed to be handicap accessible. Signage for the handicap space must be provided and shall be updated on a revised site plan.
 - b. A total of 16 parking spaces are proposed for storage of cars, boats and recreational vehicles. Each space is proposed to measure 10 feet in width by 50 feet in depth. The Community Development Department recommends allowing the applicant to lease the 16 parking spaces for outdoor storage of cars, boats and recreational vehicles only. Exterior storage of junked, inoperable and/or unregistered vehicles is prohibited.
 - c. A six foot-tall wooden privacy fence is proposed along the north property boundary. Additionally, a six foot-tall security fence is shown along the east property line for access control. The applicant proposes to tie said fencing into existing fences along the west and south property lines. The privacy fence along the north property line is required, as per Section 15.24.040(04), *Required fences* of the Council Bluffs Zoning Ordinance. The details of all proposed fencing are not known at the time. The applicant shall submit a detail of all proposed fencing to the Community Development Department prior to issuance of any building permits for the project. All fencing shall comply with the standard stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
 - d. All proposed security lights on the property shall be aimed in such a manner that the light is directed away from the adjoining residential properties. All outdoor lights shall comply with Section 15.24.050, *Lighting controls* of the Council Bluffs Zoning Ordinance.
 - e. Any signage shall be permitted separately and shall comply with Chapter 15.33, *Signs* of the Council Bluffs Zoning Ordinance.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. The following public comments were received:

1. Sunny D. Watson, 2907 Margaret Avenue, Council Bluffs, Iowa 51501 stated she is opposed to the request due to trespassing and theft concerns.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property is an existing lot of record and measures 26,136 square feet in size. The property contains an existing 6,000 square vacant commercial building. The applicant proposes to remodel the commercial building into eight heated storage units. No change in the building's footprint and/or size is proposed with this request. The size of the property is adequate for the proposed commercial storage use.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *The subject property is developed with an existing commercial building. No utility service extensions and/or infrastructure upgrades are necessary to operate the proposed commercial storage use on the subject property.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The subject property is a land-locked parcel that is accessible via an easement through property located at 2800 Twin City Drive.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building permits from the City prior commencing any further development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *All existing security lighting on the roof shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The subject property is zoned C-2 Commercial District and exceeds the minimum lot size required. Surrounding land uses are commercial and residential in nature. The Zoning Board of Adjustment has granted conditional use permits (Cases #CU-94-003 & CU-96-002) for commercial storage and outdoor vehicles storage on property located immediately south of the request. If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on existing or future land uses in the surrounding area.*
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *The applicant proposed to install a six foot-tall wood privacy fence along the north property*

boundary to screen the commercial storage use from the adjoining residential neighborhood. Additionally, the applicant is proposing to provide fencing along the eastern property boundary to control site access. More information on the fence design is needed to verify conformance with Section 15.24.040, Fence regulations of the Council Bluffs Zoning Ordinance. No change to the building's existing height and/or footprint size is proposed with the request. The proposed commercial storage use is not anticipated to discourage the development and enjoyment of adjacent properties.

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *It is not anticipated that the proposed use will adversely impact the surrounding properties.*

RECOMMENDATION

The Community Development Department recommends approval of the request for a conditional use permit to allow a 'commercial storage' use in a C-2 Commercial District on property legally described as Being part of Lot 1, Block 1, Twin City Shopping Center Addition, more particularly described as beginning at the northwest corner of Lot 1, Block 1, Twin City Shopping Center Addition thence southeast a distance of 144.9 feet; thence northeast a distance of 172.84 feet; thence north a distance of 160.04 feet; thence southwest a distance of 240.63 feet to the point of beginning, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The conditional use shall comply with all site development regulations pertaining to the C-2/Commercial District.
3. The hours of operations shall be as presented in the application.
4. Exterior storage shall be ancillary to the commercial storage use and shall be limited to cars, boats and recreational vehicles within the designated 16 parking spaces. Exterior storage of junked, wrecked, inoperable and/or unregistered vehicles is prohibited.
5. All proposed fencing shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
6. All exterior lighting shall comply with the standards stated in *Section 15.24.050, Lighting Controls*, of the Council Bluffs Zoning Ordinance.
7. All signage shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.



Rose Brown
Planning Coordinator



Christopher Gibbons
Planner